

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

OWENS & MINOR, INC. and  
OWENS & MINOR FLEXIBLE  
BENEFITS PLAN

V.

ANTHEM HEALTH PLANS OF  
VIRGINIA, INC. D/B/A ANTHEM  
BLUE CROSS AND BLUE SHIELD

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Case No. 3:23-cv-00115

**PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO DISMISS**

Plaintiffs oppose Defendant's Motion to Dismiss, ECF No. 22, and Memorandum in Support, ECF no. 23 (collectively "Motion"). Plaintiffs contemporaneously file their Memorandum in Opposition to Defendant's Motion, which (i) includes Plaintiffs' objections to certain statements in Defendant's Motion; (ii) details the reasons why Defendant's Motion fails in all respects; and (iii) in the alternative to denying Defendant's Motion, requests leave to amend Plaintiffs' complaint in order to cure any defects.

For the reasons set forth in Plaintiffs' contemporaneously filed Memorandum in Opposition to Defendant's Motion, Plaintiffs respectfully request that the Court deny the Motion or, alternatively, grant leave to amend their complaint so that Plaintiffs can cure any defects.

*[Signature Block on Next Page]*

Dated: April 28, 2023

Respectfully submitted,

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***ATTORNEYS FOR PLAINTIFFS***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on April 28<sup>th</sup>, 2023, a true and correct copy of the foregoing document has been served on all counsel of record via this Court's CM/ECF filing system.

/s/ Seth Carroll  
Seth Carroll